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## ABSTRACT

A summary of the Inservice Education Program Seminars for State Leaders in Postsecondary Education, sponsored by the Education Commission of the States (ECS) and the State Higher Education Executive Officers Association, is presented. Themes that occurred in the discussions, recommendations of an American Institutes for Research (AIR) report prepared for the U.S. Office of Education (USOE), and other recommendations for action are reviewed. The complexity of state oversight and the following contributing factors are considered: the widely different administrative organizations for oversight in the different states, the heterogeneity of postsecondary institutions, and the differing philosophical views of the conferees. Other themes include (1) the dedication to equality of treatment, while recognizing essential differences between institutions, and (2) the idea that oversight and improvement of postsecondary education involves the federal government, state government, and the institutions as represented by their nongovernmental voluntary accrediting organizations. The fundamental nature of state authorization and the state's responsibility to have appropriate statutes and regulations and appropriate administrative strength for enforcement, and ways for each of the three postsecondary education groups to have credibility and improve intercommunication are also addressed. Among the recommendations of the AIR report are the following: USOE should formulate a policy statement to encourage all states to enforce state authorizing and oversight standards that meet or exceed minimum consumer protection standards; and USOE should ask Congress to provide funds for states that have enacted standards more extensive than those in the ECS model legislation. (SW)

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## Paper Presented at a Seminar for State Leaders in Postsecondary Education

SUMMARY AND SYNTHESIS OF THE CONFERENCE

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**SHEEO**

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## SUMMARY AND SYNTHESIS OF THE CONFERENCE\*

(Revised from the oral presentation at the conference)

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### I. INTRODUCTION

This conference may be likened to a piece of architecture. There is a plan — the comprehensive and detailed American Institutes for Research (AIR) report by Steven Jung and his associates<sup>1</sup> that provides a variety of cross sections and views of the topic. There have been subcontractors — the distinguished speakers who provided a depth of knowledge on special topics. There has been a clerk-of-the-works — John Proffitt, who represented the builders to be sure that everything goes well. However, the heart of the construction was the contributions of those who attended the conference and participated in the extended discussion groups. I suppose the discussion leaders might be called the foremen and the conferees called the artisans who made the structure. Like artisans of the Middle Ages, each one did not confine himself to making a faithful representation of the plan, but rather provided a unique and singular elaboration.

There is a danger in allowing so many to work so freely on a structure. The result may be incoherent and even structurally unsound. But if the plan has been convincing, the subcontractors effective and the foremen communicative, then, like the artisans of the Middle Ages, we may have created a structure excellent in its outline, convincing in its detail and better than any single person could have done.

This analogy suggests that the task of summarizing the conference is not unlike the task of the architectural critic — to discover in the multiple detail certain pervasive themes and, having identified those, to show how they interact to form the details of the structure. In doing this, the critic must be careful not to add his own contribution (other than in interpretation). His obligation is to report and interpret, not to build the building. It should also be noted that no critic can comment or include all that occurred without failing in his obligation to summarize. Therefore, no artisan should feel abused if his or her prized contribution is omitted here.

The task of summarizing has been made easier by the skill of the discussion leaders in reporting the comments of the groups. Without that first synthesis of ideas it would have been impossible to prepare this final document.

### II. THEMES

It is possible to discern in the discussions certain themes that recur in various combinations and permutations. They are enumerated here in random order, with no attempt to judge their relative importance.

#### *Theme 1: Complexity.*

One person mentioned to me in the hall that he hadn't realized how complex the issues of state oversight are. He admitted that until he got into the discussions he thought things were quite simple, but now he was confused and glad he didn't have to solve all the problems. The complexity theme is expressed in many ways, including the following:

1. *The structure of oversight in the several states.*  
The AIR report demonstrates clearly (and the reports from the discussions confirm) that the administrative organizations are widely different in the different states. Indeed, in some states there are no structures at all to deal with certain segments of postsecondary education.
2. *The heterogeneity of postsecondary institutions.*  
The United States has developed a postsecondary universe that displays a wide spectrum on any classification one can find. In size, institutions range from a dozen students to over 50,000. In purpose, institutions can seek to be as focussed as those that aim only to train good truck drivers, or as diffused as the universities whose programs range from remedial arithmetic to research on the origins of the universe. In financial resources, some institutions are explicitly bankrupt, while

<sup>1</sup>Jung, Steven M. *A Study of State Oversight in Postsecondary Education*. Palo Alto, Calif.: American Institutes for Research, December 30, 1977.

\* Reprinted from the *Summary and Synthesis of the Conference*, published by The Education Commission of the States, September 1978.

others preside over permanent endowments of millions of dollars.

3. *The philosophical stance of the conferees.* Some conferees advocate strong central control as a matter of principle while others advocate as free a competition as possible. Some feel certainty in their own minds and do not hesitate to express opinions unambiguously. Others believe that truth has not yet been revealed to them and speak with hesitation.

Examples need not be multiplied. The complexity of the issues, the resources, the people and above all of the postsecondary enterprise is obvious. It is a recurring theme in the discussions and it is a reality that prevents simplistic solutions to problems, however intellectually appealing such solutions may be.

#### *Theme II: Evenhandedness.*

This second theme flows from the first one. Throughout the discussions, along with the recognition of the complexities, was a dedication to fair play, often expressed as an unwillingness to give certain categories of postsecondary institutions special privilege or to treat other categories especially harshly. This was not, however, a simple insistence on uniformity, since there was recognition that uniformity of treatment is not fair if applied to different kinds of institutions. However difficult it is to be fair (and the discussions provided examples of the difficulties), there was throughout the discussions a dedication to that quality of fairness that one group called "evenhandedness," a striving for equality of treatment, while recognizing essential differences and not using irrelevant characteristics as the basis for discrimination.

#### *Theme III: Acceptance of the Triad.*

"Triad" carries the idea that oversight and improvement of postsecondary education involves three distinguishable groups — the federal government, the states and the institutions themselves as represented by their nongovernmental voluntary accrediting organizations. Among the conferees were those who wished the federal government would go away and get out of higher education, others who would like a freer market for education than some states have been willing to allow and still others who predicted an early demise to voluntary accreditation. Overall, however, the theme that ran through the discussion was that each component is currently here and reasonably strong and that each is going to continue to be a force within postsecondary education. Thus an acceptance of the presence of the triad colors much of the discussion, and is reflected in the themes that follow.

The triad concept was not always regarded as helpful and has been strongly criticized as being an over-

simplification. Nevertheless, the concept appeared repeatedly in the discussions and its utility was apparent. Perhaps the idea of the triad might best be regarded as a revelation of truth in need of a theology. The theology, of course, would have to explicate not only the connections among the components, but also the essential characteristics of each component. Some connections and characteristics found in the discussions included the following:

1. There is a need to recognize a necessary division of labor among the triad components. Accreditation is different from eligibility for federal funds. State authorization for an institution to operate is not the same as accreditation.
2. State authorization to operate is mandatory in states exercising such authorization. Neither eligibility for federal funds nor accreditation has that mandatory characteristic, although some conferees held that the pervasive need for funds and approval makes almost a fiction the claim that use of federal funds and accreditation is "voluntary."
3. Activities of various agencies within the federal government cause concern and confusion. Federal regulations (and here recent regulations promulgated by the Federal Trade Commission were explicitly mentioned in the discussions) conflict with state statutes and regulations. Federal recognition of accrediting agencies has affected the internal structures and activities of these private organizations.

Acceptance of the presence of the three components of the triad did not mean in the discussions that all was well with the world. Many examples were provided illustrating various weaknesses in each component and much attention was given to ways in which these weaknesses could be removed. It was clear that a lack of resources was a fundamental weakness in each component. While a lack of resources for the federal government seemed laughable to some, conferees remembered that only a short time ago the U.S. Commissioner of Education testified that one reason for difficulties with student loan programs was that insufficient administrative strength had been provided when these programs were established. There seemed to be no doubt in most minds that most of the states were not providing fully adequate administrative resources for the oversight of institutions, and data from the AIR report were cited in support. One conferee suggested that the accrediting agencies would not be able to fulfill paper expectations until their staffs were increased several fold.

At the same time, there seemed to be a recognition that a manifold increase in resources would not be

forthcoming, regardless of need. The "Proposition 13 phenomenon," understood as a deep reluctance of the public to provide further growth of government at any level, was often mentioned and was emphasized by John Phillips in his paper early in the conference.

Such considerations made more important the clarification of the proper roles of each triad component. Identifying what each can do best and dividing the work would be a technique for allocating scarce resources and accomplishing work at minimum expenditure levels.

#### ***Theme IV: Fundamental Nature of State Authorization.***

This theme develops the idea of proper division of labor and appropriate interaction among the triad components. Recurring in the discussions was a recognition that each state has a fundamental obligation for the oversight of all education within its borders, an obligation that is constitutionally prohibited to the federal government and an obligation that cannot be exercised by the self regulation of accrediting associations that must rely on the voluntary joining together of institutions. Recognition that state authorization is fundamental leads at once to the understanding that it must be the precursor both to federal actions affecting institutions and to accreditation.

This fundamental nature of state authorization also places squarely on each state the obligation to see that its authorization is carried out in a responsible fashion. Two levels of responsibility were identified in the discussions: (1) having appropriate statutes and regulations, and (2) having appropriate and sufficient administrative strength for enforcement. The model legislation developed several years ago by the Education Commission of the States was cited as helpful for the first level. Some of the recommendations of the AIR report speak to the second.

#### ***Theme V: Credibility and Communication.***

One of the discussion groups talked extensively about "gaps." This was the only group to use this word, but what it expressed found other forms in the discussions. A gap is an empty space and important gaps for the triad are the empty spaces of understanding and confidence among and within the components. It was clear in the discussions that persons from state agencies do not know how well, or even how, accrediting agencies worked. Nor do those from the federal government understand the problems and constraints affecting the daily activities of the states. Therefore, the accrediting agencies have mistrusted the actions of both the states and the federal government.

But if the triad is a reality, and Theme III expresses this, then its effective working through a rational division of labor requires that each component be credible. Credibility means more than presenting a

surface validity (that is, mere plausibility). Credibility means supporting the validity of policies and actions by evidence and sound logic. If, then, the components of the triad are to have credibility with one another, they must find ways by which they can muster not well-meant sentiments, but evidence of effective work.

Clearly better and more complete communication among the triad members is one way in which such evidence can be shared and the discussions strongly supported improved communication. Communication did not mean handouts of convenient information, but rather a full sharing of both successes and failures directed toward an appreciation and understanding of the strengths and weaknesses of the triad members. Also emphasized was a need for similar credibility within each triad component. The presence of multiple federal agencies affecting post-secondary education leads to a loss of federal credibility when, as has happened, the decisions of one agency contradict the positions of others. Accrediting agencies sometimes seem to have quite different policies, leading to confusion and loss of credibility. The statutes and regulations of the several states are so different that some have concluded that the states as a group are unreliable in the oversight of education.

This theme of credibility and the need for effective communication does not provide easy answers to the many problems identified. What emerged from the discussions was an awareness of gaps among and within the triad members and a willingness to seek ways of bridging these empty spaces and coming closer to establishing and recognizing the credibility of all the groups working to give appropriate oversight to education.

### **III. RECOMMENDATIONS OF THE AIR REPORT**

Having identified some of the recurring themes of the structure constructed in the discussions of the conference, we turn now to consideration of specific elements of that structure, beginning with the recommendations of the AIR report which served as the fundamental plan.

1. *The U.S. Office of Education (USOE) should disseminate copies of the AIR report, including its "Technical Addendum," to all state agencies that express a desire to strengthen their laws and regulations.*

Such dissemination clearly improves communication and was supported by the conference. Indeed, one might question why the report should not be disseminated to all state and accrediting groups that are interested in it, or even to those that are not interested. However, the thrust of the recommendation

is that the dissemination should have an end other than mere broadcasting. Such a limitation is also reflected in the theme of effective communication that strengthens credibility.

2. *The USOE Division of Eligibility and Agency Evaluation should convene a workshop for staff of all state authorizing and oversight agencies, including those in both nondegree and degree-granting sectors, to go over the findings of this study and its implications for state agencies.*

This recommendation was also supported in the discussions. It bears on the fundamental nature of state authorization and the consequent need for each state to provide responsible authorization. Such a workshop would also assist in the communication among states and in finding more effective ways in which states can expend limited resources in carrying out the authorization activity. This seminar constitutes the first such workshop.

3. *USOE should begin to formulate an official policy statement encouraging all states to enact and enforce state authorizing and oversight standards that meet or exceed minimum consumer protection standards.*

In the discussions bearing on this recommendation there was an undercurrent, almost another theme, of mistrust of too much federal presence. Federal encouragement was generally welcomed; but the clause "meet or exceed minimum . . . standards" seemed to come to invite unwelcome federal specification of how states should behave and what standards they should embrace. Perhaps this is only an illustration of a credibility gap, but it was clear in more than one discussion group that the federal government needs to tread cautiously lest its encouragement step over into requirement. So long as the federal presence is limited to encouragement of the states, there was no loss of support for this recommendation. Perhaps the recommendation needs rewording to include explicit recognition of state autonomy and of the states' own concerns for consumer protection.

4. *USOE should strongly consider drafting and asking the Congress to pass an amendment to the general provisions of Title VI of the Higher Education Act of 1965, as amended, providing federal funds for states that have enacted standards more extensive than those in the ECS model legislation.*

On this recommendation the discussion groups, almost without exception, voiced great reservation. Some of it was related to the question of evenhandedness. Why should only states exceeding the model legislation provisions be eligible for federal funds? Some of it was related to the standard itself. What

makes the ECS model the touchstone, other than the absence of any other model? By far the greatest reservation was with respect to the principle implied in the recommendation that the states should look to the federal government for financial support of normal state activities. This principle was clearly rejected by the conferees. There were some who expressed great reservation about any continuing federal funding. As one conferee expressed it, "Every federal dollar comes with a string attached to it, and it's only a question of time before that string is jerked."

5. *USOE should establish and maintain a state licensing agency liaison center and clearinghouse.*

This is a recommendation that speaks directly to the theme of communication, certainly within the state component of the triad, and possibly also among all three components. The recommendation was strongly supported in the discussions. However, the theme of a proper division of labor was also heard in the discussions, with a clear conclusion that while federal encouragement and funding was desirable, federal operation (implied by "maintain" in the recommendation) was not. The alternative suggested was operation of the clearinghouse by a neutral party acceptable to all components of the triad, but certainly having the confidence of the states since it is state information that would be exchanged. Such organizations as the Education Commission of the States or various professional groups of state agency officials were suggested as possible clearinghouse operators.

6. *USOE should contract for the services of an organization of national reputation to plan and carry out a continuing program of staff development activities for state licensing agency personnel.*

Again a positive response to this recommendation was found in the discussion groups, the details echoing many already mentioned such as the desirability of federal encouragement, the need for states without extensive resources to provide proper administration of oversight activities and the necessity of increasing credibility and communication through better knowledge and experience. The recommendation's provision for training to be conducted by an organization apart from the federal government was strongly supported. A large number of conferees appeared to regard as a proper part of the federal activity the encouraging and stimulating (in part through funding) activities to be carried out by others. Here is another development of the idea of division of labor among the triad components.

7. *USOE should consider making more extensive use of the data collected during this study.*

While there was little indication that this recommendation received much discussion during the conference, it seems to be such good advice that few would argue with it. There was agreement that the data were reliable, except for changes since their collection.

#### IV. OTHER RECOMMENDATIONS FOR ACTION

The discussion groups did not confine their suggestions for future work to those suggested in the AIR report. Finding general agreement on additional recommendations for action was difficult because the groups had only highly informal communication among themselves. Nevertheless, there are some additional recommendations that seem to have widespread support:

1. *Because the data of the AIR report are valuable in the daily work of the three triad components, provision should be made to keep those data current.*

The AIR report may be likened to a "snapshot" of state oversight at one instant in time. What is needed for improved credibility and communication is "live coverage." Already, according to testimony in some discussions, the AIR data have been made obsolete by actions since they were collected.

2. *Because of the gaps in understanding and because of confusions of roles that have been identified in certain cases, there is need to make explicit the role of each component of the triad.*

To work toward an understanding of these roles it was suggested that a nongovernmental group undertake to formulate guidelines to distinguish the proper role of each component.

3. *While not a recommendation, there is clearly a general expectation that the U.S. Office of Education will give careful consideration to the results of this conference, particularly those recommendations for action and those comments about the concerns of the conferees that the proper federal role is not in operating accrediting or state approval activities, even at long distance.*

It is clear that the form of this conference was not that of a legislative assembly, coming together to debate propositions and proposals and concluding by voting approval of some and not of others. Rather, this was a conference given to free discussion of ideas, and its results, while we may call them recommendations, are really an agenda for action by others. Further,

while the conferees come from all parts of postsecondary education and all kinds of state and federal agencies, they are by no means the chosen representatives of their groups. Their opinions and conclusions, while important, cannot be said to bind or obligate others. In addition, the conference took place within only a particular few days, without the possibility of reflection between discussions.

This supports the wisdom of wide dissemination of the results of the conference, both to allow persons not present to consider and contribute to the issues and to give all of the conferees the opportunity for second thoughts. Indeed, it might be useful to convene another group to meet later and see whether the agenda formulated here can be further developed.

#### V. CONCLUDING COMMENTS

The preceeding sections represent a summary of the construction done at the conference. Like any critic, I have my own biases and opinions and like any good critic, I have tried to suppress them and report carefully what I observed, whether it was all I desired. The summary probably leaves out items of importance to some and emphasizes things of little importance to others. If any artisans are troubled that their important contributions — whether it is the design of the foundation or merely the joyful carved eagle wearing a frock coat that surmounts the pediment — has been overlooked, please remember that it wasn't done by design. To help remedy my omissions, the discussion leaders had the opportunity to report for each group.

One final comment: the length and content of this summary are testimony to the extent and depth of work by the members of the conference. Surely there have been few conferences at which the participants came earlier or stayed later than they did at this one. In fact, one of the problems was to terminate the discussion groups so that the leaders could report the results. And while we all enjoyed the amenities of the pleasant site and congenial friends, no one can say that we were on vacation, nor, I think, can anyone say that what was constructed is a mere vacation shack. It certainly needs further work, but I think there has been enunciated a basis for sound and effective oversight of our complex postsecondary education, resting on the ground of state authorization and building on a strengthened triad.